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ABSTRACT

The key elements necessary to establish an ombudsman office on the college campus are outlined. The central responsibility of the ombudsman is to represent the individual, not as an advocate, but as a neutral problem solver. Among the reasons for the creation of the campus ombudsman is a desire to counteract the futility felt by many students in the community when confronting the increasingly complex bureaucratic system of university administration. The ombudsman office must function in an autonomous manner, be unbiased in all disputes, and keep contacts and communications with the office confidential. The ombudsman has no legitimate power to enforce decisions. In acting as a mediator and advisor, the ombudsman uses the power of persuasion to shortcut bureaucratic mechanisms and aid students. The primary activity of the campus ombudsman is the investigation of complaints concerning the operation of any aspect of a college or university. The principle activities are: providing information concerning the institution, its policies, and rules; referring persons to other offices for assistance; advising administrators, staff, faculty, and students on proposals for new institutional policies; settling complaints; and recommending changes in institutional policies to prevent complaints. Ways in which the campus ombudsman differs from a chief student affairs officer are also noted. Current problems facing colleges and universities, the consequences, and the way that ombudsmen can respond to these problems are identified. The pros and cons of having a student ombudsman are noted. Innovations in programing are discussed and information is presented on colleges that have ombudsmen. A bibliography is appended. (SW)

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HOW TO ESTABLISH A CAMPUS OMBUDSMAN

by

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March 20, 1982

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INTRODUCTION

American higher education has been concerned about the plight of the individual student on the large, impersonal campus. Students complained of neglect, abuse, and manipulation. To compensate, educational institutions established a concept found to be effective in alleviating grievances of citizens against bureaucratic governments--the obudsman.

This document outlines the key elements necessary to establish an ombudsman office.

The key elements necessary in establishing an ombudsman are:

--A description of a campus ombudsman: its concept, principles, power, services, and uniqueness, or
JUST WHAT IS A CAMPUS OMBUDSMAN?

--An outline of problems facing campuses, their resulting needs, and how ombudsmen can respond to those needs in a beneficial way, or
PROBLEM NEEDS, ACTION

--A step-by-step process for establishing a campus ombudsman office, factors to consider in developing the position, alternatives to ombudsman offices, or
FILLING THE G.A.P.S.,
CHECKLIST FOR A PERFECT OMBUDSMAN,
WHAT TO DO IF YOU CAN'T DO IT

--Some pointers on what to do once the office has been established--training, words of wisdom innovative outreach programming, or
WHAT TO DO ONCE YOU'VE DONE IT

--A listing of campuses in the U.S. that have ombudsmen and ombudsman conferences, or
WHERE ARE THEY AND WHAT ARE THEY DOING?

--A brief bibliography on campus ombudsmen and on students' rights and due process for students, or
WHAT THEY'RE SAYING ABOUT OMBUDSMEN, STUDENTS'RIGHTS, AND DUE PROCESS

My work as University Ombudsman at The University at Texas at Austin for three years has been demanding and at times trying, but it has also been challenging, exciting, and enriching experience. The chief rewards have been satisfactory settlements of difficult and complex disputes, the reconciliation of adversaries, the support of various administrators, and the highly professional work of my colleagues.

Good luck on implementing a viable force for innovative change on your campus--the ombudsman. This individual will serve as a:

Mediator
Liaison
Supersleuth
Counselor
Moral Conscience
Troubleshooter
Detective
Ambassador without Portifolio
Student Advocate
Consultant
Expediter
Listener
Partial Psychiatrist
Personal Advisor
Friend
Defender of Student Rights
Socratic Gadfly
Investigator
Intervention Agent
Arbitrator
Red Tape Cutter
Lobbyist
Fact Finder
Information Giver
Inspector-General
Complaint Office
Recommender
Problem Solver
Ombuddy
and OMBUDMAN!

JUST WHAT IS AN OMBUDSMAN?

The ombudsman concept, which has enjoyed nearly two hundred years of success in Sweden, is a relatively new phenomenon in the United States. Interestingly, it was first adopted by American Universities in the late sixties. Today, between one hundred and two hundred campuses maintain ombudsman offices, most of which are found at larger universities. No one model for the structure and operation of these offices can be distinguished. They are distinct from one another in that they have been adapted to the individual campuses they serve. However, they all attempt to discharge the central responsibility of the ombudsman, which is to represent the individual--not necessarily as an advocate, but as a neutral problem solver--in a complex bureaucracy.

Among the many reasons for the creation of the campus ombudsman was a desire to counteract the futility felt by many students in the community when confronting the increasingly complex bureaucratic system of university administration. In establishing the campus ombudsman, universities not only recognized the rights of its individual citizens, but also acknowledged the fact that human error does occasionally occur and that policies and procedures do need review and revision when they are no longer in step with the changing times. Implicitly, universities have committed their official to acting fairly and to refraining from arbitrary decision making.

Principles of the Ombudsman Role

Independence. The ombudsman office must function in a autonomous manner, as free as possible from influence by the administration of which it is a part. In addition, if it is to operate effectively, its staff must have concrete support from the administration and must be assured that attempts to perform the ombudsman function well will not result in job termination or elimination of the office.

Impartiality. The ombudsman office must be unbiased in all disputes. It is not an advocate for any party, but after investigation it often suggests and supports settlements. In all cases the office seeks to protect the rights of the persons against whom complaints are brought, as well as the rights of those who make complaints. Sometimes investigation by the office shows a complaints is invalid or that it is based on misunderstanding. When that occurs, the results of the investigation are disclosed to the complainant and he or she is urged to withdraw the complaint. Thus the office acts both to secure fair treatment for those who have valid complaints and to protect those against whom invalid or mistaken complaints are made.

Confidentiality. All contacts and communications with the ombudsman's office are completely confidential. So are its records. The office does not use a complainant's name in investigating a complaint unless consent is given. Many problems must be investigated to such an extent that the ombudsman office becomes privy to information of a very personal nature If the confidences of clients or source persons are not treated with discretion, clients will reject assistance and important sources of information and assistance will evaporate.

Power

The campus ombudsman has no legitimate power to enforce decisions. As an investigator, mediator and advisor, he or she uses the power of persuasion to shortcut bureaucratic mechanisms and aid students. The authority of the ombudsman lies in the influence the individual can exert by virtue of the dignity of the office, the knowledge of the campus regulations, offices and procedures, talent for carrying out productive investigations, independence

of supervision, personal attributes of integrity, sensitivity, fairness, and clarity of mind, effective counseling and communicative skills, singleminded desire to arrive at equitable solutions, accessibility, persuasiveness, and persistance. A rudimentary knowledge of law is helpful as well.

Services

The primary activity of the campus ombudsman is the investigation of complaints concerning the operation of any aspect of a college or university, but he or she also does other things. The principle activities are:

1. Providing information concerning the institution, its policies, and rules.
2. Referring persons to other offices for assistance.
3. Advising administrators, staff, faculty and students on proposals for new institutional policies.
4. Settling complaints. This activity involves receiving and investigating complaints, encouraging complainant participation, and recommending corrective measures.
5. Recommending changes in institutional policies to prevent complaints. The ombudsman exists not only to see that students who make complaints to him or her are treated fairly and equitably, but also to do what he or she can to make the institution a fairer and more equitable place. One way to do this is to recommend changes in institutional policies that will prevent valid complaints.

Uniqueness

The campus ombudsman differs from a chief student affairs officer in the following ways:

1. An ombudsman has a smaller staff.
2. An ombudsman considers academic as well as nonacademic problems.
3. An ombudsman is not involved in enforcing student descipline.
4. An ombudsman has more investigative authority.
5. An ombudsman can take action against the Dean of Students or Student Affairs Office.

PROBLEM, NEEDS, ACTION!

Today's colleges and universities face many problems:

1. Increased enrollment.
2. Bureaucratic features - specialization, impersonal rules, hierarchy of authority.
3. Impersonalization - lack of concern for student individuality.
4. Lack of access to faculty and administrators.
5. Diffusion of administrative responsibility.
6. Students' limited time as members of the campus community.
7. Lack of clear communication--students don't ask questions; professors do not supply enough clear information; conflicting advice comes from the same office.
8. Lack of a concise document that clearly states and summarizes the rights and responsibilities of students.

Such problems result in:

1. A lack of civility--hostility breeding more hostility.
2. Students' feelings of alienation, neglect, abuse, and manipulation.
3. Students who are unsure about their rights and grievances and procedures.
4. Campus dissent and disruption--litigation.

J. Benton White sees that ombudsmen can respond to these problems by providing such benefits as:

1. Restoring a sense of accessibility to the student.
2. Furnishing alternative channels to the confrontations on campuses.
3. Providing prompt action and follow-up (because complaints are their business).
4. Helping form administrative decisions.
5. Offering a place for the student who feels he or she is not being heard.
6. Giving some hope that real concerns would be be lost in the shuffle.
7. In handling complaints, helping to bring about equality for all in the community.
8. Helping the administration overcome the tendency to reinforce current procedures and condone employee action rather than meeting the cause of the problem.
9. Providing a means to be heard by an impartial person of authority.
10. Helping the campus community learn to listen to grievances and to attempt to remedy them.

FILLING THE G.A.P.S.

I. Gathering Information.
   A. Form an interest group (people that are interested in the idea). Examples: a professor, student government, the President, a student, a VP, faculty senate.
   B. Informally assess campus needs. Examples: surveys, office reports, personal experiences, impressions, statistics, (Objective and subjective data, obtrusive and unobtrusive data).
   C. Study ombudsman role, See if it seems to fit campus needs (articles, ombudsman reports, letters and conversations with ombudsmen and others on their campuses).
   D. Determine the needs for an ombudsman on your campus (through analysis and integration of above two steps).
   E. Identify your resources (to assist in the position's implementation). Examples: student, faculty, staff and administrator "sages" on campus information, politics, decision-making process, etc., literature campus ombudsmen, researchers and authorities on ombudsmen.

II. Assessment.
   A. Form implementative alliances. Approach and establish a relationship with key people in positions to assist in implementing policy and procedural change on campus.
   B. (With help of key people), get sanction from the President to form an ombudsman proposal committee to consider establishing an ombudsman. See that it is composed of representatives of student government, faculty senate, staff, administration, and the initial interest group.
   C. (Ombudsman Proposal Committee now carries the ball)
   D. Formally assess campus needs and ombudsman role (by same means previously mentioned, only in a more thorough, authorized manner).
   E. Check out campus opinion on the idea of an ombudsman on campus surveys).
   F. Design an ombudsman model to accomodate your particular campus needs. Decide what an ombudsman at your campus should be, how the office should be established, now the ombudsman should be chosen what the basic structure, authority, and responsibilities should be (see "Checklist for a Perfect Ombudsman").

III. Proposal.
   A. Write the proposal.
   B. Submit it for ratification to the student government, faculty senate, president of the institution, board of trustees.
   C. Lobby with all groups to assure its passage.

IV. Starting Up.
   A. Form Selection Committee (see "Checklist").
   B. Appoint Ombudsman (see "Checklist").

THE KEY: Acquire sanction from entire campus. Be persuasive. Persist, persist, persist.

CHECKLIST FOR A PERFECT OMBUDSMAN

Type of Ombudsman:
- Possibilities -faculty, staff, administrator, minister
- The usual - faculty or staff

Ombudsman's Clientele:
- Possibilities - Students, faculty, staff, a combination of these, the entire campus community
- The usual - students for student ombudsmen; the entire campus for other types

Types of Problems Ombudsmen Can Accept:
- Possibilities - any campus related problem, on and off campus problems, legal problems
- The usual - any campus related problem involving the clientele

Power:
- In all cases - prestige, persuasiveness, and persistence of the ombudsman
- In almost all cases - sanction of the chief administrative officer

Accessibility to officials, records, committees:
- Possibilities - all but medical and psychological records, all officials and committes
- The usual - the above (vital for effectiveness)

Status of Records Kept in Office:
- In all cases - must be completely confidential

Relationship to other forms of redress:
- In all cases - supplements and perhaps enhances, but does not supercede them or pose a threat to existing practice

Length of term:
- Possibilities - from one year to periodic reappointment
- The usual - one to two years for student ombudsmen; two to three renewable appointment for staff and faculty

Termination:
- Possibilities - by student government, faculty senate, president of institution, board of trustees, a combination of these, no one
- The usual - president of the institution

Source of Office Budget:
- Possibilities - President's Office, student government, faculty senate, a combination
- The usual - President's Office
- The ideal - equally proportional from students, faculty, staff and administrative areas (to insure equal representation)

Annual Budget for Office:
- Possibilities - a few hundred dollars to tens of thousands
- The usual - there is no usual

Ombudsman salary:
- Possibilities - nominal salary to those equivalent to tenured faculty
- The usual - for student ombudsmen - $700 to $7500; others - $15,000 to $30,000

Office Location:
- Possibilities - student union, administration building, law school, student affairs office, student services building, student activities office, student government office
- The usual - student union or other building accessible to students that is apart from administration building (important to establish independence)

Method of Appointment:

Possibilities - the usual one (outlined below), strictly choice of student government, faculty senate, the President, board of trustees, or a selection committe alone

The usual -

Form selection committee composed equally of representatives from students, faculty, staff, and administration
Request nominations from campus community
Get applications from nominees that are interested
Screen on basis of applications
Hold personal interviews
Screen to a small number of qualified candidates
Submit list, ranked in order of preference, to the President
Appointment by President with concurrence of the Board of Trustees

WHAT TO DO IF YOU CAN'T DO IT

Alternatives to Ombudsman Offices that have been implemented on campuses:

--A committee composed mostly of students to get student comments on university practice and procedures affecting students

--A committee composed of student body president, and six faculty and staff that serve as general ombudsmen

--A full time Human Relations Officer on campus

--24 hour a day telephone answering service to hear concerns

--A student, faculty, staff committee on Student Academic Freedom and Responsibility

A Student Ombudsman: Pro and Con

Pro:

-Quite accessible to students
-Students tend to relate to a fellow student much better than to an administrator.
-In position to exercise influence via student newspaper
-Has empathy for student concern, since must cope with same frustrations
-The student is known personally and trusted
-Student ombudsman feel more accountable to students (his or her own kind)
-More likely to accept unfavorable criticism. Faculty or staff may still be concerned with professional relations with colleagues. A professional administrator must worry about job security.

Con:

-Could be viewed as just a student and have less credibility
-Would only work part time
-May not serve as long--continuity problem
-May be less sophisticated about institutional structure and procedures
-Some students have less faith in fellow students' ability to solve problems

WHAT TO DO ONCE YOU'VE DONE IT

Training:

1. Meet with important resource people in the administration.
2. Learn the power and operating structure of many parts of the institution.
3. Learn procedures the institution uses in helping student problems.
4. Observe other ombudsmen working with actual cases.
5. Role play the part of an ombudsman, student, professor, administrator, simulating realistic cases.
6. Learn about proven skills and techniques on fact finding, mediation, and communications (resource: American Arbitration Association, 140 West 51 Street, New York, New York 10020, (212) 977-2998.

Words of Wisdom:

for ombudsmen (ideas from above resource)

-Maintain a posture of objectivity and honesty; identification with any particular group weakens the office.

-Offer an avenue for a graceful or face-saving exit for all parties concerned.

-Be honest with the client about the validity of his or her case and chances for finding a solution.

-Don't refuse any client, but point out the implications and possible repercussions of his or her complaint; try to offer as many alternative courses of action as possible.

-Review the information you have collected with the client.

-Do not attempt to formulate decision-makers' judgments for them; they should make or review decisions on the basis of information you have collected and your perceptions.

-Remember that you can catch more flies with honey than you can with vinegar and that positive action is the foundation for effective change.

For Students

-Ask questions when there is any doubt about your understanding of a rule, procedure, etc.

-Pay attention to deadlines; every once in a while you'll run across a flexible deadline, but they are few and far between; you can never be sure which ones those are.

-Save all receipts or documentation of any interactions; you can never tell when it will become necessary to validate them.

-Always ask the name of the person you're dealing with; if something goes wrong, you're far more likely to get matters straightened out if you can get back with the original person who helped you.

-Repeat your understanding of a situation to the person you're dealing with; that way any misunderstandings can be cleared up on the spot.

Innovations in Programming

While the functions of ombudsmen vary among campuses, many ombudsman offices have taken the traditionally mediator-like role. Waiting in their offices for students to approach them shows a preoccupation with simply remedial kinds of works and results in their reaching relatively few students among those who need help. Campus ombudsmen have a responsibility for all students in the community.

What is needed is a kind of ombudsman office that is as concerned with primary prevention of problems and promotion of personal growth as it is with remediation and repair of damage. Programs of this kind are called outreach programs.

An outreach model by W.H. Morrill, J.H. Oetting, and J.C. Hurst provides a means of mapping all existing outreach programs as well as a technique for generating new, innovative ideas in intervention programming through three dimensions.

The three dimensions are, in their words:

> A. The target of the intervention, which referred to interventions aimed at (1) the individual, (2) his primary group(s), (3) his associational groups, or (4) the institutional or societal groups that influence his behavior.
> B. The purpose of the intervention, referring to whether the purpose of the interventions is of (1) a remedial nature, (2) a preventative nature, or (3) a developmental nature and not involving a problem orientation.
> C. The method of intervention, whether direct or indirect. That is whether the counselor is (1) directly involved in initiating and implementing the intervention, or (2) if he is indirectly involved through consultation, training of others, or use of media (Morrill, W.H.,Oetting, E.R., Hurst, J.C. Dimensions of counselor functioning. Personnel and Guidance Journal, 1974, 52(6), 354-360.)

All interventions outside the individual, remedial, and direct cells are termed "outreach."

Some existing outreach programs at The University of Texas at Austin are delineated in the following grid. Many of these are a product of the technique of plugging in existing programs, seeing gaps, and generating ideas about outreach programming in those particular areas (besides seeing more possible programs in already filled ones). Try this technique yourself. It is an innovative, effective way to develop ombudsman programs, of any programs for that matter.

WHERE ARE THEY AND WHAT ARE THEY DOING?

1979 Ombudsman Directory (includes full addresses and names of campus and other types of ombudsmen.) Write: Ombudsman, San Jose State University, San Jose, California 95192.

Ombudsman Conferences: The College and University Ombudsperson Training Conference; Resource person--Bill Shatz, 5151 State University Drive, Los Angeles, California 90032.

The Midwestern Ombudsperson Conference; Resource Person--Professor Walter Craig, Ombudsman, 340 Ohio Union, 1739 High Street, Ohio State University, Columbus, Ohio 43210.

TYPES: F - Faculty; SF - Staff; SD - Student; M - Minister

ARIZONA
Arizona State University, Tempe SF
Northern Arizona University

CALIFORNIA
California State College, Long Beach
California State College, Dominguez Hills F
California State University, Hayward SF
California State University, Los Angeles F
California State University, Sacramento SF
California State University, Fullerton SD
California State University, Chico
Claremont Colleges, SD
Diablo Valley College F
East Lost Angeles College
Humboldt State University
Los Angeles City College
Lost Angeles Community Colleges
Lost Angeles Harbor College
Los Angeles Mission College
Los Angeles Pierce College
Los Angeles Southwest College
Los Angeles Trade: Technical College
San Bernardino Valley College
San Diego State University F
San Jose City College F
San Jose State University SF
Sonoma State College
Stanford University SF
University of California, Berkeley SF
University of California, Los Angeles M
University of California, Riverside F
University of California, Santa Barbara SF
University of California, San Diego SF
University of San Francisco M
University of South California F
West Valley College F

COLORADO
University of Colorado, Boulder F
University of Denver SF
University of Northern Colorado SF

CONNECTICUT
Manchester Community College
University of Connecticut, Storrs SF
University of Hartford SF

FLORIDA
University of Florida, Gainesville

ILLINOIS
Bradley University
Southern Illinois, Carbondale SF
Western Illinois University
Northern Illinois University
University of Chicago SD
University of Illinois, Champaign-Urbana

INDIANA
Indiana University, Bloomington SF
Notre Dame SF

KANSAS
Wichita State University SD

KENTUCKY
Murray State University F
University of Kentucky, Lexington F
University of Louisville F

LOUISIANA
Louisiana State University, Baton Rouge SD

MASSACHUSETTS
Amherst College
Boston University
Harvard University
Hampshire College

MICHIGAN
Michigan State University, East Lansing F
University of Michigan, Ann Arbor
Wayne County Community College, Taylor
Wayne County Community College, Detroit
Wayne State University SD
Western Michigan University F

MINNESOTA
Hamline University
University of Minnesota, Minneapolis SD

MISSOURI
Columbia College
University of Missouri, Columbia SD

MONTANA
Eastern Montana College F

NEBRASKA
University of Nebraska, Lincoln
University of Nebraska, Omaha

NEW HAMPSHIRE
University of New Hampshire, Durham

NEW YORK
Alfred University
Bronx Community College, Bronx
Bronx Community College, New York
City College of New York F
Columbia College
Union College, Schenectady
Cornell University F
Hunter College, City University of New York
C.W. Post College
Teachers College, New York
State University of New York, Albany
State University College Oneonta
State University of New York, Binghamton SD
Sullivan County Community College

OHIO
Cleveland State University F
Cuyahoga Community College
Ohio University, Athens F
Ohio State University, Columbus F
University of Cincinnati
Wright State University SD

OKLAHOMA
University of Oklahoma, Norman

OREGON
Chemeketa Community College
Oregon State University

PENNSYLVANIA
University of Pennsylvania, Philadelphia
University of Philadelphia, Pittsburg
University of Pittsburgh
Temple University

RHODE ISLAND

Roger Williams College
University of Rhode Island, Kingston

SOUTH CAROLINA
University of South Carolina F

TENNESSEE
University of Tennessee, Knoxville F

TEXAS
University of Texas, Austin SD

UTAH
Brigham Young University SD
Southern Utah State College F
University of Utah, Salt Lake City SD
Weber State College SD

WASHINGTON
Evergreen State College, Olympia
University of Washington, Seattle F
Washington State University, Pullman

WEST VIRGINIA
West Virginia University, Morgantwon

WISCONSIN
University of Wisconsin, Stout
University of Wisconsin, Extension

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In closing, I would like to make some final comments about ombudsmen. As long as there are hassles, there needs to be an ombudsman and there will be hassles as long as bureaucracy exists. In a pluralistic society, there are neither "good guys" nor "bad guys" among organizations. All are needed, yet all are capable of degeneration. All are threatened by the bureaucratic disease that subordinates the true rationale of the institution--the satisfaciton of an individual need or want--to the procedure, inertia, and convenience of its bureaucracy. The ombudsman is therefore needed to work with and, in a sense, against all organizations. The ombudsman is the hygiene of organizations.